

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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725 EATERY CORP.,
Substituting for MLB ENTERPRISES, CORP.
Et al.:

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4431 (WHP)

THE CITY OF NEW YORK, :

Defendants. :

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**PLAINTIFFS 725 EATERY CORP. AND 689 EATERY CORP.'S
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs 725 Eatery Corp. and 689 Eatery Corp., by and through counsel, respectfully move the Court, pursuant to Fed. R. Civ. P. 65, for a preliminary injunction enjoining Defendants and their officers, agents, employees and departments from enforcing the 2001 Amendments to New York City's 1995 adult business zoning laws against these Plaintiffs or any of their officers, agents, employees, performers, landlords, tenants, or anyone else based upon their connection to Plaintiffs' premises at 725 7th Avenue and 689 8th Avenue in Manhattan, respectively, during the pendency of this litigation.

In the alternative, Plaintiffs move the Court for a preliminary injunction enjoining Defendants and their officers, agents and departments from enforcing the mandatory termination provisions of AZR § 52-77 and/or 72-41 against these Plaintiffs or any of their officers, agents, employees, performers, landlords, tenants, or anyone else based upon their connection to

Plaintiffs' premises 725 7th Avenue and 689 8th Avenue in Manhattan during the pendency of this litigation.

In the alternative to both of the foregoing, Plaintiffs move the Court for a preliminary injunction enjoining Defendants and their officers, agents and departments from enforcing the mandatory termination provisions of AZR § 52-77 and/or 72-41 against these Plaintiffs or any of their officers, agents, employees, performers, landlords, tenants, or anyone else based upon their connection to Plaintiffs' premises at 725 7th Avenue and 689 8th Avenue in Manhattan for one year from the date on which Plaintiffs 725 Eatery Corp. and 689 Eatery Corp. become subject to enforcement of the 2001 Amendments, 52-77 or 72-41, or any of them, by virtue of the end of any relevant judicial restraint or voluntary deferred enforcement of the expiration of any injunction or voluntary or involuntary stay of enforcement of any of the provisions challenged herein, whichever is of the longer duration.

This motion is supported by a memorandum filed under separate cover, along with declarations and exhibits also filed separately in Plaintiffs' Joint Appendix.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was provided via the Court's CM/ECF electronic filing and notification system, followed by electronic mail, to all counsel of record in the foregoing cases, as well as to all counsel of record in *336 LLC, d/b/a "The Erotica" v. New York City et al.*, Civil Action No. 18 CV 3732 (WHP), on the 21st day of November, 2018.

/s/ Jennifer Kinsley
JENNIFER KINSLEY